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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,897	09/25/2003	Raouf A. Guirguis	3086-101	5261
6449	7590	12/15/2004	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005			SAADAT, CAMERON	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/669,897

**Applicant(s)**

GUIRGUIS, RAOUF A.

**Examiner**

Cameron Saadat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/23/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 6-21, 24-30, 33, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Sallette (USPN 6,155,840).**

Regarding claim 1, Sallette discloses a training system, comprising: a plurality of student computers 108 configured to present course content to students; at least one instructor computer 106 networked with a plurality of student computers, the instructor computer and said plurality of student computers being configured to enable operation commands to be sent from the instructor computer to the student computer; whereby, upon receipt of the operation commands, the student computers are modified (Col. 6, lines 59-64); the student computers and the instructor computer each including audio and video receivers and transmitters to enable real time communication between the instructor and the student (Col. 5, lines 2-22).

Regarding claim 2, Sallette discloses a training system wherein the student computers and the instructor computer each include audio and video receivers and transmitters to enable real time audio and video communication between the instructor and the student (Col. 5, lines 2-22).

Regarding claim 3, Sallette discloses a training system wherein the student computers enable the course content presented to the respective student to be modified based on the instructor commands (Col. 6, lines 59-64).

Regarding claim 4, Sallette discloses a training system, comprising: a plurality of student devices, the student devices 108 including course content stored thereon in digital data storage (Col. 5, lines 48-

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52); at least one instructor operable computer 106 networked with the plurality of student devices 108, the instructor operable computer and the plurality of student devices being configured to enable operation commands to be sent from the instructor computer to the student devices; whereby, upon receipt of said operation commands, the student devices enable the course content presented to the respective student to be modified based on said instructor commands (Col. 6, lines 59-64).

Regarding claim 6, Sallette discloses a training system further including student training module computers 108 networked with the instructor operable computer 106 (See Fig. 1).

Regarding claim 7, Sallette discloses a training system, wherein the student training module computers are located on an on-site facility of a training entity operating the training system (Col. 5, lines 14-22).

Regarding claim 8, Sallette discloses a training system wherein the course content includes lessons that are divided into a plurality of lesson units and wherein upon receipt of said operation commands, the student devices enable the course content presented to the respective student to modify the order of presentation of lesson units based on the instructor commands (Col. 7, line 59 – Col. 8 line 7).

Regarding claim 9, Sallette discloses a training system further including a courseware generation tool module (Col. 7, lined 59-63).

Regarding claim 10, Sallette discloses a training system wherein the courseware generation tool module is programmed in a central server 102 that is accessed via said instructor operable computer (See Fig. 1).

Regarding claim 11, Sallette discloses a training system further including a student activity tracking tool module (Col. 5, line 66 – Col. 6, line 13).

Regarding claim 12, Sallette discloses a training system wherein the student activity tracking tool module is programmed in a central server that is accessed via said instructor operable computer (Col. 5, line 66 – Col. 6, line 13).

Regarding claim 13, Sallette discloses a training system, comprising: a central server 102 containing course management software; a plurality of student devices 108, the student devices including course content downloadable from said central server (Col. 4, lines 52-54); at least one instructor operable computer 106 networked with each of the plurality of student devices 108 and the central server 102, the instructor operable computer and the plurality of student devices being configured to enable operation commands to be sent from the instructor operable computer to said student devices; whereby, upon receipt of said operation commands, the student devices enable the course content presented to the respective student to be modified based on said instructor commands (Col. 6, lines 59-64).

Regarding claim 14, Sallette discloses a multi-component training system, comprising: a central server 102 containing course management software; a plurality of student computers 108; at least some of the student computers including pre-programmed devices including course content downloaded from the central server (Col. 4, lines 52-54); at least some of the student computers being located in an on-site location (Col. 5, lines 14-22); at least some of the student computers being transported to a remote location distant to the on-site location (Col. 10, lines 13-16); whereby the student computers can be used in different phases of student training.

Regarding claim 15, Sallette discloses a training system further including at least one instructor operable computer 106 networked with each of said plurality of student computers 108 and the central server 102, the instructor operable computer and the plurality of student computers being configured to enable operation commands to be sent from said instructor operable computer to said student devices, whereby, upon receipt of the operation commands, the student devices enable the course content presented to the respective student to be modified based on the instructor commands (Col. 6, lines 59-64).

Regarding claims 16, 17, and 19 Sallette discloses a training system wherein the student computers 108 and instructor computer 106 each include audio and video receivers and transmitters to enable real time communication between the instructor and the student (Col. 5, lines 2-22).

Regarding claim 18, Sallette discloses a method for facilitating instructor training of students, comprising: having students access course content via a plurality of student computers 108 configured to present course content to students; modifying the course content presented to at least one student on at least one of the student computers based on commands sent from an instructor computer 106 networked with the plurality of student computers (Col. 6, lines 59-64); having the student communicate remotely with the instructor in substantially real time audio or video (Col. 5, lines 2-22).

Regarding claim 20, Sallette discloses a method, comprising: controlling a course presentation to a remote student 108 via a student computer by commands sent via a network from an instructor 106; and conducting real life communication between the instructor and the student via audio and video communication (Col. 5, lines 2-22).

Regarding claim 21, Sallette discloses a method wherein the controlling a course presentation and the conducting real life communications are carded out concurrently (Col. 5, lines 2-22).

Regarding claim 24, Sallette discloses a method, further including tracking student activities on the student computer 108 remotely by the instructor at an instructor computer 106 via a tracking tool (Col. 5, line 66 – Col. 6, line 13).

Regarding claim 25, Sallette discloses a course training console, comprising: a computer system having a student console 108 with a monitor for displaying course lesson information, wherein the course lesson information is pre-stored in digital data storage prior to displaying course lesson information (Col. 6, lines 65-67); the console including at least one audio/video receiver and transmitter configured to provide real time feedback from a remote instructor (Col. 5, lines 2-22).

Regarding claim 26, Sallette discloses a course training console, wherein the console includes a plurality of monitor sections (See Fig. 7).

Regarding claim 27, Sallette discloses a course training console, wherein the console is configured to display reference material on a first monitor section 718, a video cam for conferencing at a

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second monitor section 724, and to display shared text communications at a third monitor section (Col. 2, lines 42-44; See Fig. 6).

Regarding claim 28, Sallette discloses a course training console wherein the monitor sections include separate display screens (See Fig. 7)

Regarding claim 29, Sallette discloses a training system, comprising: a plurality of student computers 108 configured to present course content to students; at least one instructor computer 106 networked with the plurality of student computers, the instructor computer and the plurality of student computers being configured to enable operation commands to be sent from the instructor computer to the student computer; wherein, upon receipt of said operation commands, the student computers are modified; wherein the instructor commands modify at least two of the student computers differently (Col. 6, lines 59-64; Col. 10, lines 7-11; Col. 8, lines 13-20).

Regarding claim 30, Sallette discloses a training system wherein the instructor commands enable the student computers to interact with each other (Col. 9, lines 24-27)..

Regarding claim 33, Sallette discloses a training system, wherein the student computers and the instructor computer each includes audio (Col. 5, lines 2-22).

Regarding claim 36, Sallette discloses a training system wherein the instructor can send command signals to an entire group of students (Col. 7, line 59 – Col. 8, line 7)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 5, 22-23, 31-32, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sallette (USPN 6,155,840) in view of Abrahamson et al. (USPN 5,002,491; hereinafter Abrahamson).**

Regarding claims 22 and 23, Sallette discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of downloading content in advance of a class (as per claims 22 and 23); without requiring the use network communication over a public network (as per claim 5). However, Abrahamson discloses an educational system wherein educational content may be distributed to student terminals prior to a class session, thereby allowing a student to view educational content when the student does not have access to a network (Col. 11, lines 5-17). Hence, in view of Abrahamson it would have been obvious to one of ordinary skill to modify the training system described in Sallette by distributing educational content prior to class and not requiring a network, in order to allow students to study at home and review his or her progress during the next class session.

Regarding claims 31 and 32, Sallette discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of arranging student computers in console clusters, in which students sit facing non-parallel to one another in adjacent consoles, including clusters of three or more consoles. However, Abrahamson discloses an educational system where student terminals are organized in clusters of more than three. In addition, it would have been an obvious matter of design choice as to the arrangement of student terminals wherein no stated problem is solved or unexpected result is obtained



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by prescribing an arrangement of student computers in console clusters of three, in which students sit facing non-parallel to one another in adjacent consoles.

Regarding claims 34 and 35, Sallette discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of permitting an instructor to send instructor commands to one student (as per claim 34) or a subset of students (as per claim 35). However, Abrahamson discloses an educational system where an instructor may send instructor commands to one student or a subset of students (Col. 11, lines 38-55). Thus, in view of Abrahamson it would have been obvious to one of ordinary skill to modify the training system described in Sallette by allowing an instructor to send commands to only one student or a subset of students, in order provide different activities to students or groups of students, thereby providing instruction based on individual student progress.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

- Lemelson et al. (USPN 5,823,788) – disclose an interactive educational system comprising student terminals and an instructor terminal.
- Berger et al. (USPN 6,196,846) disclose a voice session for training a user on a computer program.
- Pellegrino et al. (USPN 6,149,441) – disclose an educational system wherein instructors communicate with students over a network.
- George et al. (USPN 5,978,648) – discloses an educational system where instructors generate multimedia presentations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS



XUAN M. THAI  
PRIMARY EXAMINER

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